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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,887	01/29/2001	Rolf Hesch	2289/207-70 D	1253

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LERNER AND GREENBERG, PA
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EXAMINER

GOFF II, JOHN L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Advisory Action	Application No. 09/771,887	Applicant(s) HESCH, ROLF	
	Examiner John L. Goff	Art Unit 1733	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 17-20, 22, 24-28 and 30-33.

Claim(s) withdrawn from consideration: 34 and 35.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:

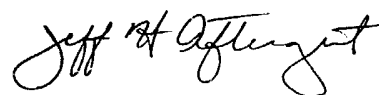
Applicant argues, "The Examiner's comments have been noted and claim 34 has been appropriately amended to mirror claim 1. Consequently, it is believed that the product, as claimed in claim 34, cannot be made by a materially different process, than that claimed in claim 1. The Examiner is therefore respectfully requested to reconsider the restriction requirement." It is noted claim 17 claims a process for producing a composite structural element. Claim 34 claims a structural element for a vehicle adjoining a load-bearing part of the vehicle. The process as claimed can be used to make a materially different product such as one wherein the composite structural element is used alone or joined to an adjoining part other than the load-bearing part of a vehicle and as such the restriction is maintained and claims 34 and 35 remain withdrawn from consideration.

Applicant further argues, "On page 22, lines 8-15, the instant application states: a passenger vehicle door ... reproduced in Figs. 4a and 4b ... in the form of a rigid shell covers over the fold of the door opening over its full area - with the exception of the window region - and consequently the energy generated during impact (large arrow) is dissipated over a large area onto the entire door fold in the direction of the small arrows. (Emphasis added.) Fig. 1 of the drawings of the instant application is re-produced below: (See Figure in the response) Consequently, it is believed that there is sufficient disclosure in the instant application for the claim feature "reinforcing elements extending across and beyond the thin-section wall part overlapping the adjoining load-bearing part". It is noted claim 17 requires "reinforcing elements extending across and beyond the thin-section wall part". Applicant has provided no previous disclosure in the specification of reinforcing elements extending "beyond" the thin-section wall part such that the 35 USC 112 rejections of claim 17 are maintained.

Applicant further argues, "In order to expedite prosecution, claims 21, 23, and 29 have been cancelled." It is noted the cancellation of claims 21 and 29 overcomes the 35 USC 112 rejections of these claims. However, the 35 USC 112 rejection of claim 24 remains.



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571-272-1216



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